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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,709	12/02/2003	Keith Eric Neuendorff	CIS0015C1US	4737
33031 7590 07/31/2007 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758			EXAMINER LEVITAN, DMITRY	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/725,709

Applicant(s)

NEUENDORFF ET AL.

Examiner

Dmitry Levitan

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2616

Amendment, filed 7/18/07, has been entered. Claims 18-47 remain pending.

***Claim Rejections - 35 USC § 101***

In light of Applicant's amendment the rejection of claims 44-47 under 35 U.S.C. 101 has been withdrawn.

***Claim Rejections - 35 USC § 112***

1. In light of Applicant's amendment the rejection of claims 18-47 under 35 U.S.C. 112, second paragraph, set in the previous Office action, has been withdrawn.
2. Claims 18-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18, 30, 40 and 45 are directed to "erase data", it is unclear what "erase data" means in the context of the claims, as the term is not well known in the art or supported by the disclosure as filed.

Claim 21 limitations directed to "comprises at least one of, data received by said each of said plurality of nodes from said network, and data transmitted over said each of said plurality of nodes to said network" is unclear as written.

Claim 44 recites the limitation "said in-transit data" in line 14. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. Claims 18-24, 28-34 and 38-47 are rejected (as best understood) under 35 U.S.C. 102(e) as being anticipated by Uphadya (US 5,949,755).

4. Regarding claims 18-20, 30, 40 and 44, Uphadya teaches a method, a network node, an apparatus and program comprising executing one or more tasks within each of plurality of nodes of a network (A, B, C and D nodes, interconnected in a SONET ring network, as shown on Fig. 1 and 6, disclosed on 5:33-6:60) to generate:

first data identifying at least one node of said plurality of nodes at which insert data is added, wherein said insert data is associated with said each of said plurality of nodes; and erase data is deleted, wherein said erase data associated with each of said plurality of nodes (each node generates a connection table, identifying nodes wherein data of VC 100 and 200 is inserted/added and wherein data of VC 100 and 200 is dropped/deleted, as shown on Fig. 6 and 5:34-57), and

second data indicating a format of in-transit data being transmitted over said network (each node generates Transport Identifier (TID) data indicating SONET format of the ring links, as shown on Fig. 1-3 and 3:25-67);

identifying a destination node of said in-transit data (connection tables identify destination node for in-transit data, as shown on Fig. 6 and 5:34-52); and

transmitting said in-transit data to said destination node using said first data and said second data (transmitting VC 100 and VC 200 through the nodes, as shown on Fig. 6, utilizing connection tables and SONET protocol).

In addition, regarding claims 30, 40 and 44, Uphadya teaches CPU 200 and memories/storage 210, 320 and 325, as shown on Fig. 7 and 6:21-27, to perform the operation as described above.

In addition, regarding claim 40, Uphadya inherently teaches a node interface to connect the node to the ring network, as shown on Fig. 1, because a node interface is essential for the system/ring operation and CPU 200 as a timing communication processor, as the node performs insertion/drop of asynchronous ATM cells into synchronous SONET links.

5. Regarding claims 21, 22, 31, 32, 41, 42, 45 and 46, Uphadya teaches insert and erase/drop data as the data transmitted from other nodes of the ring network and received by the node of the ring, as shown on Fig. 6, as requested by nodes CPUs, which are operating the transmission of the data in the ring network..

6. Regarding claims 23, 24, 33, 34, 43 and 47 Uphadya inherently teaches a CPU to request formatting the data into SONET format for transmitting over the links of the ring, as shown on Fig. 1 and 3:25-67, as CPU is essential to request SONET transport related data to perform the disclosed formatting for the system operation.

7. Regarding claims 28, 29, 38, 39, Uphadya teaches to detect a failure on the ring link and perform in-transit data switch from the failed link to a protection link (identifying link failure and switching traffic to the protection link as shown on Fig. 10 and 11, and disclosed on 6:60-7:55, wherein the switch maps have been established before the failure).

***Claim Rejections - 35 USC § 103***

8. Claims 25-27 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uphadya in view of Taniguchi (US 6,122,250) and Black (TCP/IP and related protocols, McGraw-Hill, 1998, pages 1, 2 and 166-169).

Uphadya substantially teaches the limitations of claims (see claims 18-20, 30 and 31 rejections above), including rings, as shown on Fig. 1 and using protection in a case of a link failure, as shown on Fig. 10 and 11.

Uphadya does not teach using squelch operation and utilizing TCP retransmission feature.

Taniguchi teaches using squelch operation to avoid misconnection of the failed ring in case of failure (Abstract).

Black teaches dividing data in segments and retransmitting it according to the predefined intervals utilized in TCP timers, as basic TCP features on pages 167-169.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using squelch operation to avoid misconnection of the failed ring of Taniguchi and dividing data in segments and retransmitting it according to the predefined intervals of Black to the system of Uphadya, utilizing a more efficient protection method of Taniguchi, which eliminates need for an additional protection ring, and to improve the system handling the ring failure to avoid misconnections and utilizing TCP features to improve reliability of the communications on the network.

*Response to Arguments*

9. Applicant's arguments with respect to claims 18-47 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'DL' followed by a stylized surname.

Dmitry Levitan  
Primary Examiner  
Art Unit 2616

**DMITRY LEVITAN  
PRIMARY EXAMINER**